THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 23469 OF 1998

Dated 16th March, 2007

Between:
M/s. Sanjeev Kumar Dhangi
Hyderabad.

…Petitioner

And

A.P.State Electricity Board, represented by
its Secretary, Vidyut Soudha, Somajiguda,
Hyderabad and others.

…Respondents.

ORAL ORDER:

In this writ petition, the petitioner questions the demand of an amount of Rs.45,000/- towards the development charges for conversion of the petitioner's H.T.supply to L.T. supply with a contracted load of 30 Horse Power, on the application made by the petitioner.

Initially, the petitioner had established an oil industry in the premises bearing Door No.18-3-6 at Chandrayangutta. For the said industry, it had obtained High Tension power connection with a contracted maximum demand of 225 KVA. It is the case of the petitioner that at the time of obtaining service connection initially under H.T. category, the petitioner had paid all the service line charges as well as development charges. But, however, it is stated that as it incurred losses in the said industry, it had closed the said industry and sought for conversion of High Tension power supply to Low Tension power supply with a contracted load of 30 Horse Power. On the application submitted by the petitioner, the second respondent herein has prepared the estimate vide Memo No. DEE/OP/III/ES/SL/D.No. 67/98 dated 28.7.1998 and required the petitioner to pay an amount of Rs. 20,550/- towards service line charges and an amount of Rs.45,000/- towards development charges. So far as service line charges are concerned, the petitioner has requested the respondents to permit it to purchase the material in the open market and to lay lines and it is stated that such permission was granted. So far as development charges are concerned, it is the case of the petitioner that it is neither a new service connection nor any additional load is required, and, as such, there is no authority or jurisdiction for the respondents to demand for

development charges of Rs.45,000/-.

Shri Duba V. Nagarjuna Babu, learned counsel appearing for the petitioner submitted that as the petitioner is already having service connection in High Tension category for which, the petitioner had already paid service line charges and also the development charges at the time of providing such connection, its conversion into Low Tension category with a contracted load of 30 Horse Power only amounts to reduction of Horse power, and, as such the petitioner is not liable to pay the development charges.

Counter affidavit is filed by the Divisional Electrical Engineer, Operation, City III, on behalf of the respondents, wherein, it is stated that the proposed conversion from High Tension to Low Tension involves additional physical works, namely, erection of one distribution box with fuse units etc., and, erection of one LTCT meter i.e. Low Tension Current Transformer Meter. Further, it is stated that as much as the development charges that were paid towards High Tension service were already utilized in the form of infrastructure and that infrastructure has been dismantled for the sake of conversion from High Tension to Low Tension, petitioner has to pay further development charges of Rs.45,000/- i.e. at the rate of RS.1500/- per Horse Power.

The supply of electricity power by the respondent-Board to the consumers is governed by the terms and conditions of supply and Condition No. 8 of the said terms and conditions which deals with development charges provides that the development charges payable by the consumer for release of new and additional loads under Low Tension and High Tension supply shall be at the rates notified by the Board from time to time. The validity of the said condition was subject matter of challenge in a writ petition before this court in **Hind Re-rolling Industries, Hyderabad v. APSEB, Hyd.**[1] and this court upheld its validity. Though the petitioner is

having a service connection in High Tension category with a contracted demand of 225 KVA, but merely because it sought conversion of the said connection into Low Tension category with a contracted demand of 30 Horse Power, it cannot be said that no development charges can be levied, as separate infrastructure involving additional physical works has to be developed for conversion into Low Tension category supply. The infrastructure, which is required for High Tension category and Low Tension category is stated to be different. It is stated that after petitioner sought for conversion into Low Tension category, the infrastructure which was developed for supply of power of 225 KVA in High Tension category was dismantled and supply of 30HP in Low Tension category further involves the additional physical works for developing the infrastructure, namely, erection of distribution box, fuse units and additional meter etc. The petitioner's request for conversion into Low Tension category amounts to release of a new connection under the said category as much as for extending the power supply under Low Tension category, respondents have to develop the additional infrastructure. Therefore, having regard to the category of service, which the petitioner needs and the steps to be taken by the respondents for providing the infrastructure, I do not find any infirmity in the demand made by the respondents for payment of the development charges on the application made by the petitioner. As the demand is in conformity with the terms and conditions of supply, no case is made out for interference in this writ petition filed under Article 226 of the Constitution of India.

The writ petition is devoid of merits and is, therefore, dismissed. No costs.

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16--3—2007 **R.SUBHASH REDDY, J.**

VR.

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[1] 2004 (6) ALD 722